

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

James Lee Knight and wife Caitlin Knight

(b) County of Residence of First Listed Plaintiff Blount (TN)
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

George R. Garrison; 1142 Dolly Parton Parkway,
Sevierville, TN 37802; (865) 453-7990

DEFENDANTS

Ready Mix USA, LLC

County of Residence of First Listed Defendant Palm Beach (FL)
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

James C. Wright; Butler, Vines and Babb, PLLC; 2701
Kingston Pike, Knoxville, TN 37919; (865) 244-3920

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER/PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1332, 1441, 1446

Brief description of cause:

Plaintiff alleges injuries resulting from concrete work at Plaintiff's home

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
500,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

10/6/2022
FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

VJ005

MAG JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

James Lee Knight and wife,)	
Caitlin Knight)	
)	
Plaintiffs,)	
)	
v.)	No. _____
)	JURY DEMANDED
Ready Mix USA, LLC)	
d/b/a Ready Mix of Knoxville)	
)	
Defendant.)	

DEFENDANT READY MIX USA, LLC'S NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, the Defendant, Ready Mix USA, LLC (incorrectly named as Ready Mix USA, LLC d/b/a Ready Mix of Knoxville), hereby removes this action from the Circuit Court of Blount County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division. In support of this Notice of Removal, Defendant, Ready Mix USA, LLC, avers as follows:

Procedural History and Plaintiff's Allegations

1. This action was commenced on or about September 1, 2022, by Plaintiffs' filing of the Complaint in the Circuit Court of Blount County, Tennessee, Case No. L-21044.
2. Plaintiffs' Complaint contains allegations of negligence and seeks compensatory damages in an amount not to exceed Five Hundred Fifty Thousand

Dollars (\$500,000.00).

Grounds for Removal

3. The Plaintiff is a domiciliary of Tennessee. The Plaintiff is a citizen of Tennessee for purposes of Diversity Jurisdiction.

4. The Defendant, Ready Mix USA, LLC, is a limited liability company formed under the laws of the State of Delaware, with its principal place of business in Florida at all times relevant hereto.

5. The Defendant, Ready Mix USA, LLC, has a sole member: CEMEX Southeast Holdings, LLC, a Delaware entity with its principal place of business in Florida.

6. The United States District Court for the Eastern District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interests and costs.

The Procedural Requirements for Removal Have Been Satisfied

7. Removal is timely pursuant to 28 U.S.C. § 1446(b) as this Notice of Removal is being filed within thirty (30) days of Defendant, Ready Mix USA, LLC, having been served with the Complaint.

8. Removal to the United States District Court for the Eastern District of Tennessee, Knoxville Division, is proper as this is the district and division embracing the Circuit Court of Blount County, Tennessee.

9. Removal is proper as any and all defendants to this action have been

served with state-court process and have consented to removal.

10. After filing this Notice of Removal, Defendant Ready Mix USA, LLC, will promptly serve written notice of this Notice of Removal on counsel for all adverse parties and file the same with the Clerk of the Circuit Court of Blount County, Tennessee, in accordance with 28 U.S.C. § 1446(d). All necessary filing fees will be paid simultaneously with the filing of the Notice of Removal.

11. True and correct copies of all process, pleadings, and orders served on the Defendants in the action pending in the Circuit Court of Blount County, Tennessee, are attached hereto as Exhibit A.

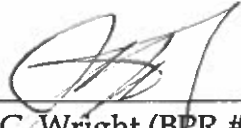
Non-Waiver of Defenses

12. By removing this action from the Circuit Court of Blount County, Tennessee, or consenting to the same, no Defendant thereby waives any defense available to it.

13. By removing this action from the Circuit Court of Blount County, Tennessee, or consenting to the same, no Defendant thereby admits any of the allegations in the Plaintiff's Complaint.

WHEREFORE, Defendant Ready Mix USA, LLC removes the above-captioned action from the Circuit Court of Blount County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Knoxville Division.

Respectfully submitted this 6th day of October, 2022



James C. Wright (BPR # 009285)
Butler, Vines and Babb, PLLC
Attorney for Defendant, Ready Mix USA, LLC
d/b/a Ready Mix of Knoxville
2701 Kingston Pike
Knoxville, TN 37919
865-637-3531
jwright@bvblaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing pleading has been served upon the following by hand delivery, by facsimile or by placing same in the United States Mail, first-class postage to carry same to its destination.

George R. Garrison
1142 Dolly Parton Parkway
Sevierville, TN 37862

This 6th day of October, 2022.

By: _____





CORPORATE CREATIONS®

Registered Agent • Director • Incorporation

Corporate Creations Network Inc.

801 US Highway 1 North Palm Beach, FL 33408

Ready Mix USA, LLC
Jeana White Corporate Paralegal
CEMEX USA
1720 Centrepark Drive East
West Palm Beach FL 33401

09/13/2022

SERVICE OF PROCESS NOTICE

The following is a courtesy summary of the enclosed document(s). **ALL information should be verified by you.**

Item: 2022-406

Note: Any questions regarding the substance of the matter described below, including the status or how to respond, should be directed to the contact set forth in line 12 below or to the court or government agency where the matter is being heard. **IMPORTANT:** All changes or updates to the SOP contact individuals or their contact information must be submitted in writing to SOPcontact@corpcreations.com. Any changes will become effective upon written confirmation of Corporate Creations.

1.	Entity Served: Entity Served If Different:	Ready Mix USA, LLC Ready Mix USA, LLC d/b/a Ready Mix of Knoxville
2.	Title of Action:	James Lee Knight and Caitlin Knight vs. Ready Mix USA, LLC d/b/a Ready Mix of Knoxville
3.	Document(s) Served:	Civil Summons Complaint Plaintiff's First Set of Request for Production of Documents, etc. Attorney's Certificate
4.	Court/Agency:	Blount County Circuit Court
5.	State Served:	Tennessee
6.	Case Number:	L-21044
7.	Case Type:	Personal Injury
8.	Method of Service:	Certified Mail
9.	Date Received:	Saturday 09/10/2022
10.	Date to Client:	Tuesday 09/13/2022
11.	# Days When Answer Due: Answer Due Date:	30 Monday 10/10/2022 <small>CAUTION: Client is solely responsible for verifying the accuracy of the estimated Answer Due Date. To avoid missing a crucial deadline, we recommend immediately confirming in writing with opposing counsel that the date of the service in their records matches the Date Received.</small>
12.	Sop Sender: <small>(Name, City, State, and Phone Number)</small>	George R. Garrison Sevierville, TN 865-453-7990
13.	Shipped To Client By:	Regular Mail and Email with PDF Link
14.	Tracking Number:	
15.	Handled By:	431
16.	Notes:	None.

NOTE: This notice and the information above is provided for general informational purposes only and should not be considered a legal opinion. The client and their legal counsel are solely responsible for reviewing the service of process and verifying the accuracy of all information. At Corporate Creations, we take pride in developing systems that effectively manage risk so our clients feel comfortable with the reliability of our service. We always deliver service of process so our clients avoid the risk of a default judgment. As registered agent, our role is to receive and forward service of process. To decrease risk for our clients, it is not our role to determine the merits of whether service of process is valid and effective. It is the role of legal counsel to assess whether service of process is invalid or defective. Registered agent services are provided by Corporate Creations Network Inc.

801 US Highway 1 North Palm Beach, FL 33408 Tel: (561) 694-8107 Fax: (561) 694-1639
www.CorporateCreations.com

EXHIBIT

STATE OF TENNESSEE
Circuit Court of Blount County, Tennessee

JAMES LEE KNIGHT and wife,
CAITLIN KNIGHT
1168 Ellejoy Road
Seymour, Tennessee 37863

Plaintiffs

VS.

Civil Summons
No. L-21044

READY MIX USA, LLC
d/b/a READY MIX OF KNOXVILLE
c/o Registered Agent
Corporate Creations Network, Inc.
205 Powell PL.
Brentwood, Tennessee 37027-7522

NOT DEEMED

Defendant

To the above named Defendant: READY MIX UDA, LLC.,

d/b/a READY MIX OF KNOXVILLE

You are hereby summoned and required to serve upon George R. Garrison, Plaintiff's attorney, whose address is 1142 Dolly Parton Pkwy, Sevierville, TN 37862 an answer to the Complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service, and file an answer with this court within five (5) days after answer is made. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Witness, _____, Clerk of said court, at office the 1st in Sept, 2022 A.D.

Tom Hatcher
~~Clerk and Master~~ **Circuit Clerk**

By: [Signature]
Deputy Clerk

Received this _____ day of _____, 20____.

Sheriff-Deputy Sheriff

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Received this _____ day of _____, 20____.

(This Summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

Deputy Sheriff

RETURN ON SERVICE OF SUMMONS

I, hereby certify and return, that on the ____ day of _____, 20____, I served this summons together with the complaint herein as follows: _____

Sheriff-Deputy Sheriff

DEFENDANT'S COPY

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

JAMES LEE KNIGHT and wife,
CAITLIN KNIGHT
1168 Ellejoy Road
Seymour, Tennessee 37863

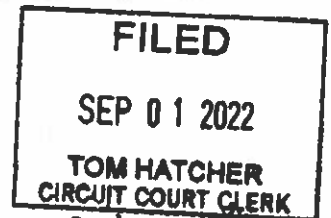
Plaintiffs

VS.

NO. L-21044

READY MIX USA, LLC
d/b/a READY MIX OF KNOXVILLE
c/o Registered Agent
Corporate Creations Network, Inc.
205 Powell Pl.
Brentwood, Tennessee 37027 - 7522

Defendant



8:18 AM pdw

COMPLAINT

COME THE PLAINTIFF'S JAMES LEE KNIGHT and wife, CAITLIN KNIGHT, and sues the DEFENDANT, READY MIX USA, LLC., d/b/a READY MIX OF KNOXVILLE, and for cause of action would show unto this Honorable Court the following:

1. That the Plaintiffs are citizens and residents of Sevier County, Tennessee.
2. That the Defendant Ready Mix USA, LLC., d/b/a Ready Mix of Knoxville, is a is a Delaware corporation doing business in Tennessee and may be served through the registered agent at the address cited in the caption of this Complaint.
3. The Defendant manufacturers concrete and markets and sells concrete to contractors and to the general public, including unsophisticated and inexperienced users and purchasers.

DEFENDANT'S COPY

4. In November, 2021, the homeowners, Phillip H. and Bettina M. Webb, hired the Plaintiff, James Lee Knight, to finish concrete that they were having delivered to their home. They contacted the Defendant, and ordered concrete to be delivered to a house they owned located 7801 Berry Williams Road, Townsend, Tennessee 37882. Defendant delivered concrete to the Webb's property on November 12, 2021.

5. The driver of the concrete truck, who Plaintiff alleges was an employee of the Defendant, poured the wet concrete from the concrete truck through a chute and into the space where the concrete was to be spread. Plaintiff then began to spread and smooth the concrete.

6. After he completed spreading and smoothing the concrete, Plaintiff noticed that his legs looked like they were blistered. He washed his legs with a water hose. A short time later, when Plaintiff was removing his pants, he noticed discoloration on his legs that looked like a rug burn. He then showered and thoroughly washed and rinsed his entire body, including the affected areas.

7. What Plaintiff did not realize at the time was that the exposure to the wet concrete had caused chemical burns to both legs. Over time, Plaintiff's condition began to worsen and cause pain and he sought medical treatment. Over the course of the next several days and weeks, he received extensive treatment for the chemical burns on his legs. His treatment included skin graft surgery at Vanderbilt University Hospital in Nashville, Tennessee.

8. As a result of the chemical burns caused by the exposure to wet concrete, Plaintiff has incurred substantial medical expenses and future medical expenses are anticipated. His injuries have caused him disability and physical and emotional pain. He is permanently scarred and disfigured. He has suffered a loss or diminution of his ability to enjoy life.

9. Caitlin Knight was and is the wife of James Lee Knight. As a result of her husband's injury, she suffered a loss of his services and consortium.

10. Wet concrete contains caustic materials, including, but not limited to hexavalent chromium and lime. Exposure to wet concrete can cause serious and potentially disabling chemical burns and/or dermatitis. Concrete manufacturers and sellers know or show know that exposure to wet concrete can cause chemical burns and/or dermatitis. Contractors and employees who regularly work in wet concrete may also be aware of the dangers of working in wet concrete. However, despite the fact that concrete is a product with which nearly everyone is generally familiar, Plaintiff avers that the general public is unaware of the danger of exposure to wet concrete. The fact that wet concrete can cause chemical burns or dermatitis is beyond the contemplation of any ordinary consumer with ordinary knowledge. The dangers of wet concrete are not known or apparent to the ordinary user.

11. At the time of his injury, Plaintiff was unaware of the danger of exposure to wet concrete. Plaintiff's prior experience with concrete was extremely limited. He had never suffered a chemical burn or dermatitis from exposure to concrete, and he did not know of anyone else who had. He had never heard of anyone ever suffering injuries as a result of exposure to wet concrete and he had not idea that wet concrete could cause chemical burns or dermatitis. The dangers of wet concrete were not apparent to him and they were beyond his contemplation.

12. Because the dangerous properties of wet concrete are not apparent to the ordinary user, like Plaintiff, and is beyond the contemplation of the ordinary user with ordinary knowledge, the Defendant had a duty to adequately warn and instruct Plaintiff about the danger of exposure to wet concrete and how to protect himself and avoid or minimize the risk of suffering chemical burns or dermatitis.

13. Concrete is not unreasonably dangerous per se. However, when wet concrete is provided to individuals like the Plaintiff without adequate warnings or instructions, it is unreasonably dangerous.

14. In the alternative, Plaintiff alleges that the concrete that Defendants manufactured and provided to the Plaintiff was defective because it contained improper ingredients and/or an improper mixture of ingredients. Such improper ingredients and/or improper mixture of ingredients caused the concrete to be defective and/or unreasonably dangerous.

15. Plaintiffs allege that Defendant's are liable to them based on negligence and strict liability in tort and that the Defendants' actions were the legal cause of Plaintiff's injuries and damages as set forth herein.

THEREFORE, PREMISES CONSIDERED, your Plaintiff prays:

1. That proper process issue and this Complaint be served upon the Defendant, **READY MIX USA, LLC., d/b/a READY MIX OF KNOXVILLE LANIGAN** through their registered agent at the address cited in the caption of this Complaint, requiring them to answer fully and truthfully this Complaint, but their oath to said answer is waived.

2. That a jury of twelve (12) persons try the issues joined.


3. That your Plaintiffs be awarded a Judgment in the amount of **FIVE HUNDRED THOUSAND DOLLARS (\$ 500,000.00).**

4. That your Plaintiffs be awarded such other, further and general relief as justice of this cause would require.

5. That the costs of this cause be taxed to the Defendant.

RESPECTFULLY SUBMITTED this the 30 day of Aug, 2022.

**JAMES LEE KNIGHT and wife,
CAITLIN KNIGHT**

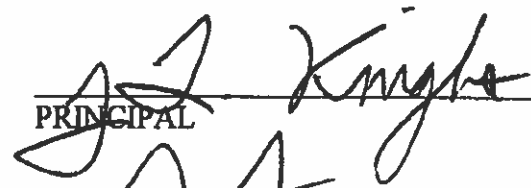


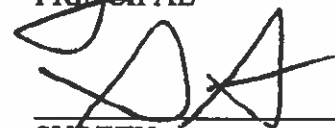
GEORGE R. GARRISON
BPR # 014102
Attorney for the Plaintiffs

1142 Dolly Parton Parkway
Sevierville, Tennessee 37862
(865) 453-7990
E-mail: georgegarrison@volsfirm.net

COST BOND

We, the undersigned, acknowledge ourselves sureties to all of the costs of this cause as conditioned as required by law.



PRINCIPAL


SURETY

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

FILED

SEP 01 2022

**TOM HATCHER
CIRCUIT COURT CLERK**

JAMES LEE KNIGHT and wife,
CAITLIN KNIGHT

Plaintiffs

VS.

NO. L-21044

READY MIX USA, LLC
d/b/a READY MIX OF KNOXVILLE

ALL DEFENDANT

Defendant

**PLAINTIFF'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS
TO THE DEFENDANTS**

COME THE PLAINTIFF'S JAMES LEE KNIGHT and wife, CAITLIN KNIGHT, and pursuant to Rule 34 of the Tennessee Rules of Civil Procedure, directs the following request for the production of documents and things to Defendant, Ready Mix USA, LLC., d/b/a Ready Mix of Knoxville to be responded to fully.

REQUEST NO. 1: Provide a copy of all records of any sales of concrete to Phillip and Bettina Webb.

ANSWER:

REQUEST NO. 2: Provide a copy of all records pertaining to the manufacturing or mixing of the concrete that was delivered to Phillip and Bettina Webb on November 12, 2021.

ANSWER:

DEFENDANT'S COPY

REQUEST NO. 3: Provide a copy of all records listing the ingredients, and the amount of each ingredient, that were contained in the concrete that was sold and delivered to Phillip and Bettina Webb on November 12, 2021.

ANSWER:

REQUEST NO. 4: Provide a copy of all policies and procedures related to warning and instructing any of your employees who work in and around concrete that apply to any period of time from and after January 1, 2021.

ANSWER:

REQUEST NO. 5: Provide a copy of all policies and procedures related to warning and instructing purchasers or finishers of concrete that apply to any period to time from and after January 1, 2021.

ANSWER:

REQUEST NO. 6: Provide a copy of all material safety data sheets, for concrete, its' ingredients or components that are the subject of this action.

RESPECTFULLY SUBMITTED this the 30 day of Aug, 2022.



GEORGE R. GARRISON
BPR # 014102
Attorney for the Plaintiffs

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ATTORNEY'S CERTIFICATE

I, **GEORGE R. GARRISON, ATTORNEY**, do hereby certify that I have this date sent a true and exact copy of the foregoing Request For Production Of Documents to

READY MIX USA, LLC
d/b/a READY MIX OF KNOXVILLE
c/o Registered Agent
Corporate Creations Network, Inc.
205 Powell Pl.
Brentwood, Tennessee 37027 - 7522

by serving a copy with the Complaint, this the 30 day of Aug, 2022.



GEORGE R. GARRISON,
ATTORNEY

SEP 10 2022